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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,896	12/26/2000	Yan Zhao	02950P049	9628

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EXAMINER

NGUYEN, CINDY

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 11/05/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

224

# Office Action Summary

Application No.

09/752,896

Applicant(s)

ZHAO, YAN

Examiner

Cindy Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,8-15,17-23 and 25-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-6, 8-15, 17-23 and 25-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This is in response to amendment filed 09/08/03.

#### **1. Continued Examination Under 37 CFR 1.114**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/08/03 has been entered.

#### **2. Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

#### **3. Claims 1, 3-6, 8-15, 17-23 and 25-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Saylor et al. (U.S 6501832) (Saylor).**

Regarding claims 1 and 30, Saylor disclose: A network system comprising: an analysis engine (col. 14, lines 46-62, Saylor) interacts with a user profile server (18, fig. 1 and corresponding text, Saylor), a user data collection point (24, fig. 1 Saylor) and a content management system (70, fig. 1 Saylor), the analysis engine to perform an analysis in real time

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(col. 14, lines 23-45, Saylor) to generate a result that is associated with a recommended item the result to include a plurality of content types (col. 17, lines 61-62;

The data collection point to provide data to the analysis engine (col. 18, lines 13-31, Saylor);

the user profile server to provide user data to the analysis engine (18, fig. 1, Saylor);

the content management system to manage the result that is associated with the recommended item (col. 16, lines 63 to col. 17, lines 4, Saylor) and includes the plurality of content types (col. 17, lines 61-62, Saylor), wherein the plurality of content types includes at least the first content type and a second content type (col. 17, lines 61-62, Saylor);

a first service point (wireless phone) to retrieve a first content type from the content management system, wherein the first content type is associated with the recommended item and is personalized for a first user (col. 8, lines 54 to col. 9, lines 18, Saylor);

a second service point to retrieve a second content type from the content management system, wherein the second content type is associated with the recommended item and is personalized for a second user (col. 21, lines 7-41, Saylor).

Regarding claims 11 and 18, all the limitations of these claims have been noted in the rejection of claim 1 above. In addition, Saylor discloses: receiving a customer profile, preferences and data (col. 32, lines 55 to col. 34, lines 3, Saylor), wherein the customer profile, the preference and the data are utilized to perform an analysis in real time to generate a result that is associated with a recommended item, the result to include a plurality of content types (col. 33, lines 4-45, Saylor).

Regarding claim 3, most of the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Saylor disclose: wherein the first service point may be utilized for an at least one of communicating a recommendation for a live agent to a live agent desktop (col. 34, lines 14-30, Saylor), supporting a request to route data, supporting a request for a live agent assignment, and an providing outbound campaign service (col. 38, lines 27-32, Saylor).

Regarding claims 4, 12 and 20, most of the limitations of these claims have been noted in the rejection of claims 1, 11 and 18 above, respectively. In addition, Saylor disclose: wherein the analysis engine is to collect data from a plurality of customer contact points (col. 26, lines 60 to col. 27, lines 9, Saylor).

As per claim 19, all the limitations of this claim have been noted in the rejection of claims 1 and 18. It is therefore rejected as set forth above.

Regarding claim 21, all the limitations of this claim have been noted in the rejection of claim 19 above. In addition, Saylor disclose: wherein a user profile server is coupled to an analysis engine and a content management system, the content management system manages the plurality of content types (18, 12, 70, fig. 1 and corresponding text, Saylor).

Regarding claims 5, 14 and 22, most of the limitations of these claims have been noted in the rejection of claims 1, 12 and 21 above, respectively. In addition, Saylor disclose:

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wherein the user profile server includes one of static profile attributes and dynamically generated attributes (col. 17, lines 60 to col. 18, lines 12, Saylor).

Regarding claims 6, 15 and 23, most of the limitations of these claims have been noted in the rejection of claims 5, 11 and 22 above, respectively. In addition, Saylor disclose: wherein input from one of a first live agent and a second live agent updates one of the static profile attributes and the dynamically generated attributes (col. 27, lines 32-56, Saylor).

Regarding claim 8, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Saylor disclose: further comprising: a client request that is communicated to the analysis engine to trigger the analysis engine to perform the analysis in real time to generate the result (col. 33, lines 46 to col. 34, lines 13, Saylor).

Regarding claims 9 and 13, all the limitations of theses claims have been noted in the rejection of claims 1 and 11 above, respectively. In addition, Saylor disclose: wherein the user profile server is coupled to a data repository for service data and metadata (12 and 18, fig. 1 and corresponding text, Saylor).

Regarding claims 10, 17 and 25, most of the limitations of these claims have been noted in the rejection of claims 1, 12 and 22 above, respectively. In addition, Saylor disclose: wherein

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the user profile server, the analysis engine, and the content management system operated on at least one of a local and remote server (col. 22, fig. 1, Saylor).

Regarding claim 26, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Saylor disclose: wherein multiple content types may be retrieved by a single user (col. 18, lines 13-32, Saylor).

Regarding claim 27, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Saylor disclose: wherein the first content type includes content for live agent assistance and the second content type includes content for customer self-service (col. 38, lines 27 to col. 41, lines 41, Saylor).

Regarding claim 28, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Saylor disclose: wherein the content management system includes a plurality of content collection (col. 24, lines 31-67, Saylor).

Regarding claim 29, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Saylor disclose: wherein the content management system utilizes the plurality of content collections to control access to the plurality of content types (col. 22, lines 45 to col. 23, lines 4).

**4. Response to Amendment (filed 05/08/03)**

Applicant's arguments have been considered, but are moot in view of the new ground(s) of rejection.

## **5. Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fernandez et al. (U.S 5956720). Method and apparatus for web site management.

Matsumori (U.S 6179206). Electronic shopping system having self-scanning price check and purchasing terminal.

Gershman et al. (U.S 6199099). System, method and article of manufacture for a mobile communication network utilizing a distributed communication network.

Gershman et al. (U.S 6401085). Mobile communication and computing system and method.

## **6. Contact Information**


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 703-305-4698. The examiner can normally be reached on M-F: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7240 for After Final communications.



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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

  
Cindy Nguyen

October 28, 2003

  
SAFET METJAHIC  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100